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8 UNITED STATES DISTRICT COURT FOR THE
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA

12 Plaintiff,

13 v.

14 THE CITY OF SEATTLE AND ITS
15 DEPARTMENT, SEATTLE CITY LIGHT,
16

17 Defendants.
18

CASE NO.

DECLARATION OF
SUPERVISORY SPECIAL AGENT
GREGORY W. JENNINGS

19 COMES NOW Gregory W. Jennings, and does hereby state as follows:

20 1. I am employed as a Special Agent for the Federal Bureau of Investigation
21 ("FBI"). I have been a Special Agent with the FBI for approximately 26 years. I am a
22 Supervisory Special Agent in the Seattle Division of the FBI. Since my arrival in the Seattle
23 Division in 1998, I have worked on both criminal and national security matters. Prior to my
24 transfer to the Seattle Division, I was assigned to the Buffalo Division where I worked a
25 variety of criminal and national security matters. I became a Special Agent with the FBI in
26 1990, and currently serve as the Chief Division Counsel for the Seattle Division, a position I
27 have held since July of 2001.
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1 2. I provide this declaration based upon my personal knowledge, upon information
2 provided to me in my official capacity, and upon conclusions and determinations reached and
3 made in accordance therewith. This declaration is submitted in support of the United States'
4 Motion For A Temporary Restraining Order prohibiting Defendants, the City of Seattle and
5 Seattle City Light (collectively referred to as "the City"), from disclosing confidential and
6 sensitive FBI information in response to requests the City received under the Washington
7 State Public Records Act ("PRA"), RCW 42.56, *et seq.*

8 3. On September 17, 2015, the FBI Seattle Division was notified by the Seattle
9 City Attorney's Office that Seattle City Light had received a request under the PRA from a
10 reporter with KIRO 7, seeking, "all records related to the installation of law enforcement
11 surveillance cameras on Seattle City Light poles and property." A true and correct copy of
12 the notification is attached hereto as Exhibit A.

13 4. Thereafter, the City provided the FBI for review two documents containing FBI
14 information that the City planned to release to KIRO. One document was a spreadsheet
15 entitled "CCTV-Pole Use by LL." This spreadsheet contained a list of law enforcement
16 surveillance cameras, identified by location, utility pole number, law enforcement agency,
17 and the name and phone number of the FBI's point of contact, date installed, date removed,
18 and additional "notes." Information regarding FBI surveillance cameras, which had been
19 shared in confidence with Seattle City Light security personnel, was included on this
20 spreadsheet. The second document was an email chain between a Seattle City Light Security
21 Manager and law enforcement personnel regarding what appeared to potentially be a
22 surveillance camera. *See* email from Doug Williams to Doug Williams (blind copying others)
23 dated August 4, 2015. A true and correct copy of the relevant portion of that chain, as it was
24 produced by the City to KIRO and subsequently provided to the FBI by the City, is attached
25 hereto as Exhibit B. The apparent purpose of that email was to inquire whether an object
26 observed and photographed by a Seattle City Light customer was a surveillance camera
27 installed by one of the recipient agencies, so that if it was, it could be "add[ed ...] to the
28 list." Notably, the email begins with Mr. Williams' acknowledgement that "cameras [are]

1 installed for covert needs from your respective organizations on our poles,” and concludes by
2 saying, “*As always this is kept confidential.*” *Id.* (Emphasis added).

3 5. The FBI strongly objected to release of any information provided by the FBI to
4 Seattle City Light, because the information is law enforcement sensitive and subject to a
5 promise of confidentiality. The City initially indicated a willingness to withhold all
6 confidential information identified by the FBI in the two records. However, by letter dated
7 October 30, 2015, the City informed the FBI that the City would release all information on
8 the spreadsheet, with respect to each FBI camera listed: the name of the FBI employee who
9 was the FBI’s point of contact for Seattle City Light, that person’s telephone number, and the
10 identification of each as an FBI camera. In the October 30, 2015 letter, the City stated that
11 unless the FBI obtained an injunction prohibiting disclosure within in 10 days, it would
12 unilaterally release the information. A true and correct copy of the October 30, 2015, letter is
13 attached hereto as Exhibit C.

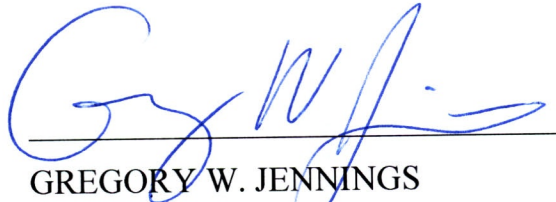
14 6. Although the FBI continued to object strongly to the release of this information,
15 some of the confidential information was released by the City on or about November 20,
16 2015. A true and correct copy of the released information, as it was later provided to the FBI
17 through the U.S. Attorney’s Office, is attached hereto as Exhibit D.

18 7. In January 2016, the City informally notified the U.S. Attorney’s Office that,
19 following the City’s release of the partially redacted FBI information to KIRO, City Light had
20 received a second PRA request from Phil Mocek, challenging the City’s withholding of the
21 redacted information. Shortly thereafter, the City formally notified the FBI of this request by
22 letter . A true and correct copy of the January 13, 2016, notice is attached hereto as Exhibit
23 E. In the same notice, the City also stated that it did not intend to redact any of the
24 confidential and sensitive information shared with it by the FBI in connection with the Mocek
25 and KIRO 7 requests, and that it would release all FBI information at issue unless served with
26 an injunction prohibiting such release by May 13, 2016. Because of the sensitivity of the
27 redacted information the FBI requested, and the City agreed, to provide time for the FBI to
28 obtain necessary Department of Justice approvals to initiate litigation to protect the

1 information. The City initially gave the FBI until May 13, 2016, to obtain such judicial relief,
2 and later extended this time to June 13, 2016.

3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
4 foregoing is true and correct.

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6 EXECUTED this 10th day of June 2016.

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11 GREGORY W. JENNINGS
12 Supervisory Special Agent
13 Chief Division Counsel
14 Seattle Division
15 Federal Bureau of Investigation
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